

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

BRENT DELAHOUSAYE

CIVIL ACTION NO. 14-cv-1188

VERSUS

JUDGE FOOTE

ROBERT P. CORLEY, JR.

MAGISTRATE JUDGE HORNSBY

MEMORANDUM ORDER

The court earlier issued an order that directed Plaintiff to file an amended complaint to address some issues related to diversity of citizenship. The court noted that the civil cover sheet indicated Plaintiff resides in Iberia Parish, but the complaint itself did not include an allegation of the state in which Plaintiff had his “domicile/citizenship.” Plaintiff responded by amending his complaint to allege that he is a “resident” of Iberia Parish, Louisiana.

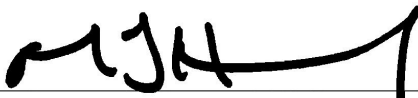
It is domicile rather than mere residency that decides citizenship for diversity purposes, and “[i]t is well established that an allegation of residency does not satisfy the requirement of an allegation of citizenship.” Great Plains Trust Co. v. Morgan Stanley, 313 F.3d 305, 310 n. 2 (5th Cir. 2002), quoting Strain v. Harrelson Rubber Co., 742 F.2d 888 (5th Cir. 1984). A person may have multiple residences in different states, but he has only one domicile at a time. That is why the court directed Plaintiff to allege his domicile/citizenship.

The earlier order also noted that defendant Dr. Robert Corley was described as a Texas veterinarian, which might imply that Corley was alleged to be a citizen of Texas.

Plaintiff was directed to make a more direct allegation. Plaintiff amended the complaint to allege that Corley is a “resident” of Texas. The amendment did not allege the state in which Corley is domiciled, which establishes his citizenship for jurisdictional purposes.

Rather than order another amended complaint, the court will deem the amended complaints to allege that (1) Plaintiff is a domiciliary/citizen of Louisiana and (2) Corley is a domiciliary/citizen of Texas. If any party disagrees with either of those characterizations, it must raise the issue in the case management report that will be required prior to the initial scheduling conference. That conference will be scheduled after both defendants have answered.

THUS DONE AND SIGNED in Shreveport, Louisiana, this 22nd day of July, 2014.



Mark L. Hornsby
U.S. Magistrate Judge